## UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA, CHARLESTON DIVISION

Broadcast Music, Inc.; House of Cash, Inc.; Elijah Blue Music, A Division of Lighthouse, Inc.; Unichappel Music, Inc.; Fourteenth Hour Music, Inc.; Springtime Music, Inc.; Bocephus Music, Inc.; Warner-Tamerlane Publishing Corp.; Buzzard Rock Music; Songs of Universal, Inc.,	) ) ) ) CIVIL ACTION NO: 2:13-cv-706-CWH
Plaintiffs,	) )
VS.	) )
Main Street Bar & Grill, Inc. d/b/a Main Street Bar and Grill; George D. Albers, Individually,	) ) )
Defendants.	

## Information required pursuant to Fed.R.Civ.P. 26(f)

- (1) The parties are making disclosures under Rule 26(a)(1) pursuant to this Court's pre-scheduling order.
- (2) Discovery will be needed concerning the Defendants having used musical compositions in the conduct of the Defendants' business without having a license from the Plaintiffs, the operation of Defendant Main Street Bar & Grill, George Albers' relationship with Main Street Bar & Grill, and communications between the Plaintiffs and Defendants.

Plaintiff anticipates that discovery can be completed in approximately 120 days. It is not believed at this time that discovery need be conducted in phases or limited to or focused on particular issues.

- (3) Plaintiffs do not expect any issues to arise with respect to the disclosure or discovery or electronically stored information.
- (4) Plaintiffs do not anticipate issues with documents for which they claim the attorney-client privilege and protection as trial-preparation material. Plaintiffs do not expect any

unusual issues to arise with respect to such claims.

- (5) Plaintiffs do not request any changes in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the Local Civil Rules for the District of South Carolina.
  - (6) Plaintiffs do not request any further orders at this time.

## **Information required pursuant to Local Civil Rule 26.03**

1. *A short statement of the facts of the case:* 

The Plaintiff, Broadcast Music, Inc. ("BMI"), has been granted the right to license the public performance right of approximately 8.5 million copyrighted musical compositions. The remaining Plaintiffs are owners of copyrights in the musical compositions which are the subject of the lawsuit.

The Plaintiffs allege that the Defendant Main Street Bar & Grill, Inc. d/b/a Main Street Bar & Grill, acting by and through Defendant George Albers, has used and is using certain copyrighted compositions without a license to do so in violation of the Plaintiffs' copyrights.

2. The names of fact witnesses likely to be called by the parties and a brief summary of their expected testimony:

Plaintiffs will likely call Patrick Dowd. This witness logged the unauthorized performances at Main Street Bar & Grill. Plaintiffs will likely call Brian Mullaney to testify as to Plaintiff BMI's practices and procedures as well as the ownership of the copyrights in question and also to testify as to the Plaintiff BMI's licensing practices and procedures, Defendants' licensing history, and numerous contacts made with the Defendants to advise them of the obligation to procure a license in order to use copyrighted compositions at Main Street Bar & Grill.

3. The names and subject matter of expert witnesses (if no witnesses have been identified, the subject matter and field of expertise should be given as to experts likely to be offered):

The parties have not identified expert witnesses, but reserve the right to do so in accordance with the scheduling order.

4. A summary of the Claims or Defenses with statutory and or case citations supporting the same:

Claims: Copyright infringement, 17 U.S.C. § 501; request for injunction, 17 U.S.C. § 502; statutory damages, 17 U.S.C. § 504(c); attorney's fees and costs, 17 U.S.C. § 505.

- 5. Proposed dates for the following deadlines listed in Local Civil Rule 16.02:
- (a) Exchange of Fed. R. Civ. P. 26(a)(2) expert disclosures; and

  December 1, 2014
- (b) Completion of discovery.

  January 15, 2015.
- 6. Special circumstances affecting the time frames applied in preparing the scheduling order.

The Plaintiffs are not aware of any special circumstances at this time.

7. Additional information requested in the Pre-Scheduling Order.

None requested.

Respectfully submitted,

BROADCAST MUSIC, INC. et al.

Plaintiffs,

By their attorneys,

By: s/Bernie W. Ellis

Bernie W. Ellis
Fed. I.D. No. 5650
McNair Law Firm, P.A.
Bank of America Plaza
P.O. Box 447
Greenville, South Carolina 29602
Tel. (864) 271-4940
Fax (864) 271-4015
bellis@mcnair.net

Attorney for Plaintiffs

Greenville, South Carolina September 10, 2014